

**REMARKS**

Claims 1-5 are pending in this application. By this Amendment, claim 6 is cancelled without prejudice to or disclaimer of the subject matter contained therein, and claims 1-5 are amended. Claims 1-3 and 5 are amended to recite features supported in the specification on page 4, line 12 – page 5, line 26. Claim 4 is rewritten into independent form to recite features supported in the specification on page 5, line 27 – page 8, line 4 and Fig. 2. No new matter is added by any of these amendments.

Reconsideration based on the following remarks is respectfully requested.

**I. Claims 1-5 Define Patentable Subject Matter**

The Final Office Action rejects claims 1-3 and 5 under 35 U.S.C. §102(b) over U.S. Patent 5,557,490 to Jabbari. The Office Action further rejects claims 4 and 6 under 35 U.S.C. §103(a) over Jabbari in view of U.S. Patent 4,984,115 to Takahashi *et al.* (hereinafter “Takahashi”). These rejections are rendered moot with respect to claim 6, and are respectfully traversed with respect to the remaining claims.

Jabbari does not teach or suggest a pivot assembly for a magnetic disk storage including an actuator block having an axial bore, a fixed shaft, a pair of ball bearings mounted thereon to support the actuator block, each of the pair of ball bearings having an outer ring having outer and inner peripheral surfaces, the inner peripheral surface having an annular groove at each edge, an inner ring that directly engages the fixed shaft, and a pair of shields engaging the outer and inner rings, each shield disposed within the annular groove at said each edge, and an annular spacer disposed between the pair of ball bearings, the annular spacer having an inner axially-extending annular projection and an outer end face, the annular projection having an outer rim surface, wherein the pair of ball bearings is fitted directly into the axial bore of the actuator block, the outer peripheral surface of the outer ring directly engages the actuator block, the outer end face is adjacent to the outer peripheral surface of the

outer ring, and the outer rim surface of the annular projection is adjacent to the inner peripheral surface of the outer ring, as recited in claim 1, and similarly recited in claim 2.

Further, Jabbari fails to teach or suggest that the annular projection engages the shield, as recited in claims 3 and 5.

Instead, Jabbari discloses an actuator arm assembly for a disc drive. In particular, Jabbari teaches an actuator arm 104 with a pivot bore 110, where a steel sleeve 112 is attached on the inner wall of the pivot bore 110 (col. 2, lines 54-61 and Figs. 2 and 4A of Jabbari). Jabbari further teaches bearing sets 118, 120 with inner races 122 engaging a shaft 116 within a shaft assembly 114, and outer races 124 engaging the sleeve 112, and a spacer 128 between the two sets of outer races 124 (col. 2, line 62 – col. 3, line 2 and Figs. 2 and 3 of Jabbari).

However, Jabbari fails to provide a shield within an annular groove of the outer racers. Also, Jabbari does not teach or suggest the outer end face is adjacent to the outer peripheral surface of the outer ring, and the outer rim surface of the annular projection is adjacent to the inner peripheral surface of the outer ring. Nor does Jabbari teach an annular projection of the spacer engaging the shield. Therefore, Jabbari fails to teach or suggest all of Applicants' claimed features.

A claim must be literally disclosed for a proper rejection under §102. This requirement is satisfied “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (MPEP §2131)”. Applicants assert that the Final Office Action fails to satisfy this requirement with Jabbari.

Takahashi does not compensate for the deficiencies of Jabbari outlined above for claim 1. Nor does Takahashi teach, disclose or suggest the additional features recited in claims 4 and 6. Instead, Takahashi discloses a bearing structure in which a sleeve 18 is axially slidably fitted on the shaft 7. In particular, Takahashi teaches the inner rings 15b and

16b are bonded to the sleeve 18, and thus, interposes the sleeve 18 between the shaft 7 and the inner rings 15b and 16b (col. 2, lines 49-67 and Fig. 1 of Takahashi).

Further, there is no motivation to combine features related to bearing sets of Jabbari with slidable sleeve of Takahashi, nor has the Final Office Action established sufficient motivation for a *prima facie* case of obviousness. Even assuming that motivation to combine the applied references is established, the combination fails to teach or suggest Applicants' claimed features.

A *prima facie* case of obviousness for a §103 rejection requires satisfaction of three basic criteria: there must be some suggestion or motivation either in the references or knowledge generally available to modify the references or combine reference teachings, a reasonable expectation of success, and the references must teach or suggest all the claim limitations. See MPEP §706.02(j). Applicants assert that the Final Office Action fails to satisfy these requirements with Jabbari and Takahashi.

For at least these reasons, Applicants respectfully assert that the independent claims are now patentable over the applied references. Applicants respectfully request that the rejections under 35 U.S.C. §§102 and 103 be withdrawn.

## **II. Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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